IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.2353 of 2008
ASHOK SINGH & ANR
Versus
STATE OF BIHAR

4/ 24.06.2008 Heard learned counsel for the petitioners and the learned Addl. P.P. appearing for the State.

This is an application for grant of anticipatory bail in Motihari Muffasil P.S. Case No. 34 of 2005 under Sections 147, 148, 149, 323, 325, 341, 504, 307 & 302 of the Indian Penal Code.

Learned counsel for the petitioners submitted that no charge sheet was submitted as against these petitioners on the ground of insufficient evidence, whereas charge sheet against other co-accused was filed, but the C.J.M. has taken cognizance as against these petitioners also. He referred to evidence of the doctor and contended that the petitioners are said to have inflicted injuries by Farsa and Barchha, but no injury caused by sharp cutting weapon has been found by the doctor. Thus, there are sufficient grounds for granting anticipatory bail to the petitioners.

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Learned Addl. P.P. opposed the submissions and contended that the witnesses including the informant has categorically stated about assault by these petitioners along with the other co-accused. The petitioners names are mentioned at serial no. 1 and 2 in the FIR. The injury report also supports the case of the prosecution as against these petitioners, as it has been stated therein that two cut and bleeding injuries were found on the dead body of the deceased. Hence, it is not a case for grant of anticipatory bail.

Considering the rival submissions of the parties, I do not feel inclined to grant anticipatory bail to the petitioners namely; Ashok Singh and Ajay Singh @ Ajay Kumar Singh. Therefore, their petition is rejected. However, both the petitioners are directed to surrender before the court below and seek regular bail and the learned court below after considering the above points as also the other submissions shall dispose of their bail application on merit without being prejudice by this order.

DKS/ **(Rekha Kumari, J)**

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